



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 16, 2013

Mr. Michael Morisy
MuckRock News
DEPT MR 6482
P.O. Box 55819
Boston, MA 02205-5819

OFFICE OF
ENVIRONMENTAL INFORMATION

RE: Request No. EPA-R3-2013-009030

Dear Mr. Morisy:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) seeking all correspondence regarding the Capitol Power Plant generated or received between January 1, 2012 and the date that this request is processed.

The FOIA directs agencies to furnish records without any charge or at a reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. 5 U.S.C. 552(a) (4) (A) (iii) (1994 & Supp. IV 1998).

Requests for fee waivers must be considered **on a case-by-case basis** and address the requirements for a fee waiver in sufficient detail for the agencies to make an informed decision. In determining whether the statutory requirements are met, agencies must consider six factors in sequence. These factors are summarized below.

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government. A request for access to records for their informational content alone does not satisfy this factor.
2. For the disclosure to be "likely to contribute" to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.
3. The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons. One's status as a representative of the news media alone is not enough.

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4. The disclosure must contribute "significantly" to public understanding of government operations or activities. .
5. The extent to which disclosure will serve the requester's commercial interest, if any.
6. The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest.

Should you wish to receive a fee waiver, you must address, in sufficient detail, these six factors. You may send your response by email to foia_hq@epa.gov. If we do not hear from you within 7 days from the date of this letter, we will deny your requests for a waiver of fees based on insufficient justification. Records will be sent if you have provided assurance of payment should fees exceed \$25.00.

If you have any questions, please contact the Requester's Service Center at foia_hq@epa.gov, or call 202-566-1667.

Sincerely,



 Larry F. Gottesman
National FOIA Officer